

Schulte Roth & Zabel LLP

919 Third Avenue
New York, NY 10022
212.756.2000
212.593.5955 fax
www.srz.com

Marcy Ressler Harris
212.756.2271

Writer's E-mail Address
marcy.harris@srz.com

February 24, 2017

VIA ECF

Hon. Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: The Picower Parties' Motion to Redact Limited Portions of the Transcript of the Deposition of Bernard L. Madoff Taken on December 20, 2016 in *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.)

Dear Judge Bernstein:

On February 3, 2017, the Picower Parties¹ filed a motion seeking limited redactions to the transcript of the deposition of Bernard L. Madoff taken on December 20, 2016 (the "Motion"). (ECF Nos. 15008, 15010, 15011.) The Motion is scheduled for a hearing on March 21, 2017 at 2 p.m. in Your Honor's chambers. (ECF No. 15039.)

In connection with the Motion, counsel for the Picower Parties, counsel for the Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the "Trustee"), and Helen Davis Chaitman, Esq., counsel for the customers on whose behalf the deposition was taken, stipulated to a briefing schedule which was set forth in the Notice of Motion. (ECF No. 15008.) Under that briefing schedule, any opposition to the Motion was to be filed on or before February 17, 2017, and any reply in further support of the Motion was to be filed today.

¹ The "Picower Parties" are Capital Growth Company; Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffrey M. Picower Special Company; Jeffrey M. Picower, P.C.; The Picower Foundation; The Picower Institute of Medical Research; The Trust f/b/o Gabrielle H. Picower; and Barbara Picower, individually, as Executor of the Estate of Jeffrey M. Picower, and as Trustee for the Picower Foundation and for the Trust f/b/o Gabrielle H. Picower.

Hon. Stuart M. Bernstein
February 24, 2017
Page 2

However, no opposition to the Motion has been filed.² Accordingly, because the Motion is unopposed, the Picower Parties respectfully request that the Court grant the relief sought in the Motion without a hearing.

We appreciate the Court's attention to this matter.

Respectfully Submitted,



Marcy Ressler Harris

cc: Helen Davis Chaitman, Esq. (via email)
Keith Murphy, Esq. (via email)
Michael Kwon, Esq. (via email)

² In advance of the Motion, counsel to the Picower Parties conferred both with Ms. Chaitman and counsel to the Trustee, sent each of them the excerpts from the transcript containing the proposed redactions, and asked each of them to consent to the proposed redactions to obviate the need for unnecessary motion practice. Counsel to the Trustee advised that the Trustee has no objection to the proposed redactions. Ms. Chaitman, however, categorically declined to consent, thereby forcing the Picower Parties to prepare and file the Motion, and to incur the costs of doing so.